

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
YIXIAO DING,	:	
	:	
Plaintiff,	:	
-against-	:	
	:	23-CV-9240 (VEC)
	:	
THE DALSTON DRESSING ROOM, LTD., d/b/a :	:	<u>ORDER</u>
Ojiri Gallery,	:	
	:	
Defendant.	:	
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 20, 2023, Defendant filed a Notice of Removal in this matter, Not. of Removal, Dkt. 1;

WHEREAS Defendant alleges that this Court's subject matter jurisdiction in this matter is premised on diversity, *id.* ¶ 12;

WHEREAS diversity jurisdiction exists if the lawsuit is between citizens of different states, 18 U.S.C. § 1332(a)(1), or if the lawsuit is between citizens of a state and citizens or subjects of a foreign state, 18 U.S.C. § 1332(a)(2);

WHEREAS diversity based on alienage does not exist if all parties are aliens, *Franceskin v. Credit Suisse*, 214 F.3d 253, 258 (2d Cir. 2000);

WHEREAS the Notice of Removal alleges that Plaintiff is a citizen of China, *see* Not. of Removal ¶ 12;


WHEREAS the Complaint alleges that Defendant is is a citizen of the United Kingdom, *see id.*; and

WHEREAS Defendant acknowledged that the Court does not have subject matter jurisdiction and consented to remand, Dkt. 4.

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to remand this case to the Supreme Court of New York, County of New York.

SO ORDERED.

Date: October 25, 2023
New York, New York



VALERIE CAPRONI
United States District Judge